

17 MAY 1977

MEMORANDUM FOR: Office of Legislative Counsel

FROM : F. W. M. Janney
Director of Personnel

SUBJECT : H.R. 13, Labor Management Relations

REFERENCE : OLC informal note dtd 29 Apr 77, with outline of
subject Bill

1. As previously discussed with members of your staff in relation to the Senate companion bill . . . S 1090 . . . we find the provisions of H.R. 13 a matter of serious concern to the personnel management of the Agency. We do not believe Section 7111 whereby the Head of an Agency may apply to the to-be-established Federal Labor Relations Authority for an exemption from inclusion in a labor unit of employees engaged in intelligence activities is sufficient protection for the Agency nor for the Intelligence Community. There is no guarantee the Authority would grant the exemption, nor if it is granted, that a subsequent Authority could not revoke the exemption. There is also the possibility that an exemption could be limited to those employees directly involved in intelligence activities and require that the employees in a supporting capacity be included in a labor unit. Such a determination would, of course, be discriminatory in that it would provide an outside appeals systems for one group of employees while denying it to others. Another area of concern is the authority to be given to the to-be-established Federal Personnel Policy Board to act upon federal personnel policies which affect the conditions of employment of more than one Agency's employees.

2. For the above and related reasons, we recommend a specific exemption be requested for the Agency, and probably for the other elements of the Intelligence Community as well. We believe the exemption should be included in Section 7103 rather than in Section 7111 to insure exemption from all rules and regulations which may be developed by the Authority, CSC or the Federal Personnel Policy Board. Such an exemption would be in conformance with the provisions of the present Labor Management authority, E.O. 11491, and is supported by the provisions of E.O. 10450, the basis for the classification of all positions in CIA as sensitive.

(Signed) F. W. M. Janney

F. W. M. Janney

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